

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MILAGROS R. SURATOS,

Petitioner,

vs.

SHERYL FOSTER, *et al.*,

Respondents.

2:10-cv-01010-PMP-RJJ

ORDER

Petitioner has filed a motion for an extension of time in which to file a reply to respondents' answer. (ECF No. 15). Petitioner seeks a 45-day enlargement of time, up to and including April 30, 2011, to file a reply. Having reviewed the motion and good cause appearing, petitioner's motion for an extension of time is granted.

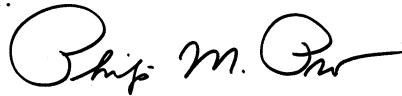
Petitioner has also filed a motion for the appointment of counsel. (ECF No. 14). There is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), *cert. denied*, 469 U.S. 838 (1984). However, counsel must be appointed if the complexities of the case are such that denial of counsel would amount to a denial of due process, and where the

1 petitioner is a person of such limited education as to be incapable of fairly presenting his claims. *See*
2 *Chaney*, 801 F.2d at 1196; *see also Hawkins v. Bennett*, 423 F.2d 948 (8th Cir. 1970). The petition
3 on file in this action is well-written and sufficiently clear in presenting the issues that petitioner
4 wishes to bring. The issues in this case are not complex. Counsel is not justified in this instance and
5 the motion is denied.

6 **IT IS THEREFORE ORDERED** that petitioner's motion for an extension of time to file a
7 reply (ECF No. 15) is **GRANTED**. The reply shall be filed on or before **April 30, 2011**.

8 **IT IS FURTHER ORDERED** that petitioner's motion for the appointment of counsel (ECF
9 No. 14) is **DENIED**.

10 Dated this 23rd day of March, 2011.

11 

12 UNITED STATES DISTRICT JUDGE